# IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

STEVEN F. HOTZE, MD., $et\ al$	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
GREG ABBOTT, in his official	§	CIVIL ACTION NO. 4:20-cv-02104
capacity as Governor of Texas, et al.,	§	
	§	
Defendants.	§	
	§	

#### STATE DEFENANTS' SECOND MOTION TO APPEAR TELEPHONICALLY

I write on behalf of the following Defendants in the above-referenced matter: Governor Greg Abbott, The State of Texas, Texas Health and Human Services Commission, Texas Department of State Health Services, Phil Wilson, and John William Hellerstedt MD (collectively, the "State Defendants"). Earlier today, Your Honor issued an order setting an in-person hearing on Plaintiffs' motion for reconsideration at 2:00 p.m. I write to request the Court's leave to appear via telephone at this hearing. The reasons for this request are that: (1) I live in Austin and cannot physically make it to Houston by 2:00 p.m. today, especially since I don't have a car at the moment (as explained in the last motion to appear telephonically); and (2) this motion for reconsideration, like Plaintiffs' original motion for emergency relief, has nothing to do with the State Defendants.

Plaintiffs' counsel and the Houston Defendants' counsel have consented to this request.

Date: July 17, 2020 Respectfully submitted.

KEN PAXTON Attorney General of Texas

JEFFREY C. MATEER First Assistant Attorney General

RYAN L. BANGERT Deputy First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT Chief for General Litigation Division

### /s/ Todd Dickerson

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**Counsel for State Defendants** 

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to counsel of record via CM/ECF notification on July 17, 2020:

/s/ Todd Dickerson
Todd Dickerson

## CERTIFICATE OF CONFERENCE

I hereby certify that on July 17, 2020, I conferred with counsel for Plaintiffs and counsel for Mayor Sylvester Turner and Houston First Corporation who consented to this request.

<u>/s/ Todd Dickerson</u> Todd Dickerson